

Evan B. Citron  
212.492.2068  
evan.citron@ogletreedeakins.com

October 4, 2016

**VIA ECF**

The Honorable P. Kevin Castel  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: David Rodriguez v. Highgate Hotels, L.P., 16-CV-05736 (PKC-AJP)

Dear Judge Castel:

Pursuant to Your Honor's Order dated July 25, 2016 (Docket No. 6), the parties in the above-referenced action jointly submit this letter in advance of the Initial Pretrial Conference scheduled for October 11, 2016, at 11:15 a.m.

**Brief Description of the Case**

Plaintiff David Rodriguez ("Plaintiff" or "Rodriguez") was formerly employed by Highgate Hotels, L.P. ("Defendant" or "Highgate") as a Front Office Manager at the Crowne Plaza Times Square Hotel (the "Hotel"). Plaintiff alleges that Defendant violated the New York City Human Rights Law (the "NYCHRL") by discriminating against him and ultimately terminating his employment because of his gender (male) and sexual orientation (heterosexual), as described in the complaint.

Highgate denies having violated the NYCHRL, and avers that it terminated Plaintiff's employment because Plaintiff (i) violated Highgate policy by engaging in a romantic relationship with an employee whom he supervised, (ii) did not fully cooperate with Highgate's investigation of his conduct, and (ii) mishandled Highgate funds for which he was responsible. Highgate further avers that any conduct cited by Plaintiff as allegedly discriminatory was based on legitimate, non-discriminatory reasons.

**Contemplated Motions**

Highgate contemplates filing a motion for summary judgment after the close of discovery.

Plaintiff does not presently contemplate filing any dispositive motion.

**Prospect for Settlement – Plaintiff's View**


Mr. Rodriguez is completely prepared to fully litigate his case and, should this matter go before a jury, he could expect a comprehensive damage award for economic, compensatory, liquidated and punitive damages, as well as attorneys' fees. Notwithstanding the opportunity for large financial awards, Mr. Rodriguez is amenable to resolving this case without a protracted legal battle.

**Prospect for Settlement – Defendant's View**

In light of the operative facts and legal arguments, Defendant maintains that it will prevail on a motion for summary judgment. In light of the costs and risks of litigation, however, Defendant is amenable to resolving this case provided that a reasonable settlement may be had.

Respectfully submitted,

THE HARMAN FIRM LLP

By   
Walker G. Harman, Jr.  
Edgar M. Rivera  
220 Fifth Avenue, Suite 900  
New York, New York 10001  
(212) 202-3926

*Attorneys for Plaintiff*

OGLETREE, DEAKINS, NASH, SMOAK  
& STEWART, P.C.

By s/ Evan B. Citron  
Frank Birchfield  
Evan B. Citron  
1745 Broadway, 22nd Floor  
New York, New York 10019  
(212) 492-2500

*Attorneys for Defendant*